

MRHFM

maune • raichle • hartley
french & mudd, llc

CLAYTON THOMPSON
PARTNER

150 W. 30th Street, Suite 201 New York, NY 10001
Tel: 800.358.5922 Fax: 314.241.4838

May 12, 2023

The Honorable Michael B. Kaplan
United States Bankruptcy Court, District of New Jersey
Clarkson S. Fisher US Courthouse
402 East State Street, Courtroom #8
Trenton, NJ 08608

Re: LTL Management LLC, Case No. 23-12825-MBK

Dear Chief Judge Kaplan:

I write in support of the TCC's letter earlier this afternoon (Dkt. 494) and opposing the Debtor's (Dkt. 496). The Debtor argued to the Third Circuit this week that mandamus should be denied, in part, because the motion to dismiss trial was scheduled for June 12-16th, and the Circuit appears to expect an expeditious ruling from this Court on these matters (*see* TCC Ltr., pg. 2).

Several parties have challenged the Court's subject matter jurisdiction, and this must be addressed before anything else. It does not matter how many lawyers—and their alleged talc caused cancer clients—support LTL's "plan of reorganization." Votes, even valid ones, don't bestow jurisdiction. By mandate in *this* case, LTL Management can only enter bankruptcy's "safe harbor" and access Chapter 11's tools by filing in good faith. *LTL Mgmt. LLC*, 64 F.4th 84, 93 (3d Cir. 2023). The Debtor's obvious bad faith and open defiance of the Circuit's holding is ripe for immediate review if this Court denies dismissal.

Johnson & Johnson seeks to delay the motion to dismiss trial and rush through a "plan" that purports to compensate thousands of people with scientifically *unsupported* and *unfiled* claims. J&J can pay anyone it wants but the Company intends to force this "resolution" on thousands of objecting plaintiffs with pending lawsuits in state and federal court, plaintiffs who have already been *wrongly* deprived their day in open court for over 20 months and whose claims—tested by state trial judges and Judge Wolfson in the MDL *Daubert* proceedings—have an established causal link to J&J's talc.

As to availability, the Debtor and Johnson & Johnson have dozens of lawyers being paid four-figures per hour from the nation's largest law firms. Both have more than enough

professionals to be adequately represented at the *Valadez* trial and in this proceeding and on the TCC's schedule. The victims with valid talc caused cancer claims have waited long enough. The dismissal hearing should be held as soon as possible.

Sincerely:

MAUNE RAICHLE HARTLEY
FRENCH & MUDD, LLC

A handwritten signature in blue ink, appearing to read 'C. Thompson', with a stylized flourish at the end.

Clayton L. Thompson, Esq.
MAUNE RAICHLE HARTLEY
FRENCH & MUDD, LLC
150 W. 30th Street, Suite 201
New York, NY 10001
(800) 358-5922
cthompson@mrhfmlaw.com